

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:08CR3067
)	
v.)	
)	
GARY ZIERKE JR.,)	MEMORANDUM AND ORDER
)	
Defendant.)	
_____)	

Defendant has filed a "Motion to Compel Move of Defendant," in which he requests an order directing the United States Marshals Service to move the defendant to a different holding facility where he would have better access to a "sufficient" legal library.

The court cannot grant the motion. The court has no authority to direct the Marshals Service where it must hold a particular detainee. If the defendant claims he has inadequate access to a law library or legal materials or legal counsel, those matters may be the subjects of a separate civil action against his custodians, but this case cannot be the vehicle for such a directive.

IT THEREFORE HEREBY IS ORDERED,

The motion, [filing 32](#), is denied.

DATED this 19th day of August, 2008.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge